

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

**A RESOLUTION
BY COUNCILMEMBER HOWARD SHOOK**

AS AMENDED BY TRANSPORTATION COMMITTEE

**A RESOLUTION AUTHORIZING THE MAYOR TO
EXECUTE A DETAILED AGREEMENT, ON
BEHALF OF THE CITY OF ATLANTA, WITH
METROPOLITAN ATLANTA RAPID TRANSIT
AUTHORITY PROVIDING FOR THE
REALIGNMENT OF LINDBERGH DRIVE AND
EXCHANGE OF PROPERTY AT ROXBORO ROAD,
ARMOUR CIRCLE AND PLASTERS BRIDGE
ROAD, AND OTHER PURPOSES**

WHEREAS, the City and the Metropolitan Atlanta Rapid Transit Authority ("MARTA") entered into that certain Rearrangement Cooperative Agreement ("RCA") dated October 10, 1975, which sets forth certain duties and procedures governing the City and MARTA with respect to Rearrangements, as that term is defined in the RCA, of Facilities owned by City or MARTA; and

WHEREAS, the RCA provides for supplemental Detailed Agreements between the City and MARTA to specifically allocate responsibilities, costs, and obligations with respect to Rearrangements; and

WHEREAS, MARTA seeks to conduct a Rearrangement at Lindbergh Drive to create a bus intermodal area serving the Lindbergh MARTA station, as more fully described in the Lindbergh Detailed Agreement attached as Exhibit 1; and

WHEREAS, MARTA seeks to conduct a Rearrangement at Armour Circle and Plasters Bridge Road to create its rail maintenance and storage facility known as Armour Yard, as more fully described in the Lindbergh Detailed Agreement; and

WHEREAS, City seeks to improve the function of Lindbergh Drive by coordinating with MARTA the Lindbergh Drive Rearrangement, and by acquiring a strip parcel of excess MARTA property adjacent to the northerly right of way line of Lindbergh Drive, as more fully described in the Lindbergh Detailed Agreement; and

WHEREAS, City seeks to acquire certain MARTA property adjacent to Roxboro Road, N.E. for the purpose of widening and improving Roxboro Road, as more fully described in the Lindbergh Detailed Agreement; and

WHEREAS, MARTA and City have negotiated the business terms set forth in the Lindbergh Detailed Agreement attached as Exhibit 1 to govern the Rearrangements for such MARTA projects at Lindbergh Drive, Armour Circle, and Plasters Bridge Road, and to also govern the conveyance of portions of MARTA property to the City adjacent to Lindbergh Drive and Roxboro Road; and

WHEREAS, the City has determined that it is desirable and in the best interests of the City to execute an Agreement with MARTA containing the business terms and in a form substantively similar to the Lindbergh Detailed Agreement;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, that the Mayor is authorized to execute an Agreement with MARTA containing the business terms and in a form substantively similar to the Lindbergh Detailed Agreement attached as Exhibit 1.

BE IT FURTHER RESOLVED, that the City Attorney is authorized to review the Lindbergh Detailed Agreement and to finalize with MARTA and its counsel any necessary substantive changes to the Lindbergh Detailed Agreement deemed necessary and appropriate or as required by law.

BE IT FURTHER RESOLVED, that if the City Attorney finds that any substantive changes are needed to be made to the Lindbergh Detailed Agreement that said changes shall be approved by the City Council.

BE IT FURTHER RESOLVED, that said "substantive changes" shall not include procedural or administrative corrections to the Detailed Agreement.

BE IT FURTHER RESOLVED, that the Lindbergh Detailed Agreement will not become binding upon the City and the City will not be liable or obligated under it until it has been duly executed by MARTA, in accordance with applicable law, executed by the Mayor, attested to by the Municipal Clerk, approved by the City Attorney as to form and delivered to MARTA.